

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.1
Eastern Division**

Kenneth Conner, et al.

Plaintiff,

v.

Case No.: 1:11-cv-04458

Honorable Sharon Johnson Coleman

Pethinaidu Veluchamy, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, October 16, 2014:

MINUTE entry before the Honorable Jeffrey Cole: Plaintiff fails to appear or call. Motion hearing held. Defendant McCarthy's motion alleges that plaintiff has failed to return their telephone calls attempting to resolve the current discovery dispute. The motion to compel [169] is granted in its entirety and fees and costs are awarded pursuant to Rule 37. See *Rickels v. City of South Bend, Indiana*, 33 F.3d 785, 786–87 (7th Cir. 1994): "'The great operative principle of Rule 37(a)(4) is that the loser pays.' Charles Alan Wright & Arthur R. Miller, 8 Federal Practice and Procedure § 2288 at 787 (1970). Fee shifting when the judge must rule on discovery disputes encourages their voluntary resolution and curtails the ability of litigants to use legal processes to heap detriments on adversaries (or third parties) without regard to the merits of the claims." (Parenthesis in original). See also *United States Freight Co. v. Penn Cent. Transp. Co.*, 716 F.2d 954, 955 (2nd Cir. 1983) ("General deterrence, rather than mere remediation of the particular parties' conduct, is a goal under Rule 37; unconditional impositions of sanctions are necessary to deter 'other parties to other lawsuits' from flouting 'other discovery orders of other district courts.'"). Mr. Gentleman is ordered to appear at every future status hearing and motion hearing. Continued failure to appear can result in a dismissal by Judge Coleman to dismiss this case for want of prosecution. Indeed, she has recently warned plaintiff's counsel that continued inaction in this case may well have that consequence. Mr. Gentleman is directed to fully comply with all the requests in the current motion to compel by 10/27/2014 and that there can be no deviation from the demands for information as explicitly articulated in the motion to compel. The information sought in the motion must be in counsel's hands by the close of business on 10/27/2014. Plaintiff is advised that if any failure to fully comply with this order may result in a recommendation for dismissal of this case for noncompliance with a court order and for failure to cooperate in discovery. Status hearing date of 11/3/2014 is reset to 10/28/2014 at 08:30 AM. Mailed notice(jms,)

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